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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,002	07/11/2003	Axel Schaedler	30267.22760	4383
75	90 05/06/2005		EXAMINER	
Timothy D. Bennett			ENGLISH, PETER C	
Brouse McDowell, LPA 500 First National Tower			ART UNIT	PAPER NUMBER
106 S. Main Street			3616	
Akron, OH 44	308-1471		DATE MAILED: 05/06/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		10/618,002	SCHAEDLER ET AL.				
		Examiner	Art Unit				
		Peter C. English	3616				
Period fo	The MAILING DATE of this communica or Reply	tion appears on the cover sheet t	with the correspondence address				
THE I - External after - If the - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA sions of time may be available under the provisions of 3 (SIX (6) MONTHS from the mailing date of this communiperiod for reply specified above is less than thirty (30) deperiod for reply is specified above, the maximum statute to reply within the set or extended period for reply will eply received by the Office later than three months after ad patent term adjustment. See 37 CFR 1.704(b).	ATION. 17 CFR 1.136(a). In no event, however, may a cation. ays, a reply within the statutory minimum of the complete of will apply and will expire SIX (6) MC, by statute, cause the application to become a	a reply be timely filed airty (30) days will be considered timely. DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
Status							
1)	Responsive to communication(s) filed	on					
2a)□	This action is FINAL . 2b)	This action is non-final.					
3)□	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)⊠	Claim(s) 1-12 is/are pending in the app	lication.					
•	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)□	5) Claim(s) is/are allowed.						
· · · · · · · · · · · · · · · · · · ·	Claim(s) is/are rejected.						
	·						
8)⊠	Claim(s) <u>1-12</u> are subject to restriction	and/or election requirement.					
Applicati	on Papers						
9)□	The specification is objected to by the E	Examiner.					
10)⊠	The drawing(s) filed on <u>11 July 2003</u> is/	are: a)□ accepted or b)⊠ obje	ected to by the Examiner.				
	Applicant may not request that any objection	on to the drawing(s) be held in abey	ance. See 37 CFR 1.85(a).				
	Replacement drawing sheet(s) including the	· ·					
11)[The oath or declaration is objected to b	y the Examiner. Note the attach	ed Office Action or form PTO-152.				
Priority u	ınder 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachmen	t(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
3) Inform	e of Draftsperson's Patent Drawing Review (PTO nation Disclosure Statement(s) (PTO-1449 or PT r No(s)/Mail Date		o(s)/Mail Date Informal Patent Application (PTO-152) 	7			
S Patent and T	1.00			<u> </u>			

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DETAILED ACTION

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Drawings

1. The informal drawings are not of sufficient quality to permit scanning and reproduction, i.e., all details in the drawings are not reproducible in black and white. The Office will not accept photographs in the instant application because photographs are not the only practicable medium for illustrating the claimed invention. See 37 CFR 1.84(b). Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance. No new matter may be introduced. The replacement sheets should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Election/Restrictions

- 2. This application contains claims directed to the following patentably distinct species of the claimed invention:
 - A. Figs. 1-11.
 - B. Figs. 12-25.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 5 and 9 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 3. A telephone call was made to Timothy Bennett on 03 May 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 571-272-6671. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter C. English

Primary Examine

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pe

4 May 2005